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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,453	07/29/2003	Jack D. Keene	RIBO-001/04US 308729-2034	5725
58349 7590 04/22/2008 COOLEY GODWARD KRONISH LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001				
EXAMINER				
MARVICH, MARIA				
ART UNIT		PAPER NUMBER		
1633				
MAIL DATE		DELIVERY MODE		
04/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/629,453

Applicant(s)

KEENE ET AL.

Examiner

MARIA B. MARVICH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30, 36, 37 and 40 is/are rejected.
- 7) ☒ Claim(s) 31-35, 38, 39 and 41-66 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
- Paper No(s)/Mail Date 11/6/07
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

This office action is in response to an amendment filed 8/28/07, 10/23/07 and 1/24/08. Claims 1-29 have been cancelled and claims 30-66 have been added and are pending in this application.

The Declaration filed on 8/28/07 under 37 CFR 1.131 is sufficient to overcome the rejection under 35 USC 102(a) as anticipated by Reim et al and Takeda et al.

Information Disclosure Statement

An IDS filed 11/7/07 has been identified and the documents considered. The signed and initialed PTO Form 1449 has been mailed with this action. Documents listed as copending applications have been considered but have been crossed off of the Form 1449 filed 4/8/03 as they do not constitute documents under 367 CFR 1.98.

Claim Objections

Claims 1, 38, 48, 55 and 56 are objected to because of the following informalities: in claim 1, step (d), it would be more accurate and consistent to recite –removing the captured mRNP complex from the lysate—given the lack of required progression through the steps in any particular order.

In claim 38 a space appears to have been inadvertently inserted between the phrases “protein is” and “polyA-binding protein (PABP)”. It would be remedial to delete it.

Claims 40, 41, 59 and 60 recite “identifying changes in the endogenous RNA subsets” which in claims 40 and 59 is after treatment of the cell with a drug and in claims 41 and 60

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during cell cycle, developmental events or a state of aging. First, "RNA subsets" should be amended to --mRNA subsets-- and "ageing" to aging. However as the claim is drawn only to identification and not quantification, claims 40, 41, 59 and 60 should recite for example, --identifying the endogenous mRNA subsets in the cell following treatment of the cell with a drug (during different stages of the cell cycle, development or aging) to identify changes in the mRNA subsets --

In claim 48, the phrase "expressed" in line 4 is redundant and should be deleted.

In claims 55 and 56, the claim recites that the "epitope-tagged RNA binding protein is ELAV/Hu protein". However, the epitope tagged RNA binding protein actually --comprises-- ELAV/Hu as the epitope is not included inherently in ELVA/Hu.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 30, 36, 37 and 40 are rejected under 35 U.S.C. 102(e) and 102(a) as being anticipated by Giordano et al (US 5,859,227; see entire document). **This is a new rejection necessitated by applicants' amendment.**

Giordano et al teach methods of identifying interactions between RNA binding proteins and RNA molecules in bulk in lysates (see e.g. bridging ¶ col 4-5) and of compounds that affect these interactions (see e.g. col 5, line 9-10). The interactions are detected by detection of a label or use of an antibody to RBP (see e.g. col 7, line 43-58).

Claims 30, 36, 37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Giordano et al (US 5,859,227; see entire document). **This is a new rejection necessitated by applicants' amendment.**

Giordano et al teach methods of identifying interactions between RNA binding proteins and RNA molecules in bulk in lysates (see e.g. bridging ¶ page 7-8) and of compounds that affect these interactions (see e.g. page 7, line 5-6). The interactions are detected by detection of a label or use of an antibody to RBP (see e.g. page 12, line 18-31).

Conclusion

Claims 30, 36, 37 and 40 are rejected.

Claims 31-35, 38, 39 and 41-66 are objected to as depending on a rejected or objected claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA B. MARVICH whose telephone number is (571)272-0774. The examiner can normally be reached on M-F (7:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, PhD can be reached on (571)-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Maria B Marvich, PhD
Examiner
Art Unit 1633

/Maria B Marvich, PhD/
Examiner, Art Unit 1633